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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,635	12/05/2003	Syed Husain Abbas	J6865(C)	4255

201 7590 04/09/2007
UNILEVER INTELLECTUAL PROPERTY GROUP
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EXAMINER

CHANNAVAJALA, LAKSHMI SARADA

ART UNIT	PAPER NUMBER
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1615

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/730,635

Applicant(s)

ABBAS ET AL.

Examiner

Lakshmi S. Channavajjala

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2-5-03</u> at 4:22:39 | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Receipt of IDS dated 4-28-05 & 12-5-03 is acknowledged.

Claims 1-14 are pending in the instant application.

Information Disclosure Statement

The information disclosure statement filed 4-28-05 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

A complete list of references should be listed on PTO-1449 for consideration.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 808895 (hereafter EP).

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EP teaches cleansing bar soaps containing emollients, particulate silica, anionic surfactants and soaps. Examples 77 and 79 of EP recite fumed silica (instant particles), petroleum jelly (instant hydrophobic agent), sodium cocyl sulfosuccinate (anionic surfactant) and soap base (instant soap). EP teaches that silica in combination with emollient materials such as petroleum jelly, oils, esters etc., impart good hardness and acceptable processing characteristics to the soaps (page 1, L 33-35 and lines bridging pages 2-3). The fumed silica of EP is employed with hydrophobic materials such as oils in a ratio of 4:1 that is within the claimed range (page 3, L 27-33). EP teaches that silica powder has a density of 2.5 to 5 lbs/cubic feet and is of 10-380 sq. m/gm, but not in terms of particle sizes. With respect to the refractive index claimed, the claims do not state if the claimed parameter is after the agglomerates have been treated with the fluid or before. The burden is shifted to applicants that the above particles do not have the claimed particle sizes and refractive index. With respect to the amounts of surfactants and soaps, the amounts taught by EP are within the claimed amounts. Examples of table III do not contain anionic surfactants and hence read on claim 12 & ex. 47 do not contain soap base and hence reads on claim 10. For the process of preparation of claim 13, EP teaches (page 4, L 3-9), that silica is mixed with oil to form a followed by vigorous mixing. Examiner notes that instant specification also describes contacting agglomerates with fluid and agitating (page 9). Further EP teaches that the surfactant and other components are added and palletized (reads on instant milling) and formed in to a bar (reads on instant cutting, stamping etc). Thus, EP also teaches the same process. Hence EP anticipates instant claims.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by US 4574053 to Kinsman et al ('053).

'053 teach bar soaps that are filled with particulate inorganic fillers, wherein the particles are filled or coated with fatty acid. The soap of '053 contains 65% -95% soap (col. 2, L 32-40, col. 4, L 1-40) and anionic surfactants (col. 3, L 33-51). For the particle sizes, see col. 8, L 31-55 and examples 17-18. Examples 17-18 recite the same steps of preparing the composition as that of instant. For agglomerate preparation, see the examples described in col. 6-7, which comprises the same steps as that of the instant. With respect to refractive index, the components and the steps of preparing the sap bars of '053 being the same as that of the instant, the burden is shifted to applicants to show that the refractive index of the agglomerates of '053 is different. Hence, '053 anticipate instant claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lakshmi S. Channavajjala whose telephone number is 571-272-0591. The examiner can normally be reached on 7.00 AM -4.00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward can be reached on 571-272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AU 1615
March 31, 2007

A handwritten signature in black ink, appearing to read "Lakshmi S. Channavaajjala", written over a horizontal line.

LAKSHMI S. CHANNAVAJJALA
PRIMARY EXAMINER